

BETH M. GOLDMAN (Bar No. 118341)
HELLER EHRMAN LLP
333 Bush Street
San Francisco, California 94104
(415) 772-6000
(415) 772-6268 (fax)
beth.goldman@hellerehrman.com

Attorneys for Plaintiff
SPOTLIGHT SURGICAL, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SPOTLIGHT SURGICAL, INC.,

Plaintiff,

v.

DEPUY, INC. and DEPUY SPINE, INC.,

Defendants.

Case No. C-07-03362 JF

**STIPULATION (TENTH) AND
[PROPOSED] ORDER TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND RELATED DEADLINES**

Plaintiff Spotlight Surgical, Inc., on the one hand, and defendants DePuy, Inc. and DePuy Spine, Inc., on the other, hereby stipulate and agree, through their respective counsel, as follows:

1. The Court's Order To Continue Case Management Conference And Related Deadlines entered on July 7, 2008 sets forth the following deadlines:

September 8, 2008

Last day to:

- meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; and
- file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

September 22, 2008

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

October 17, 2008

Initial Case Management Conference (CMC) in Courtroom 3, 5th Floor, SJ at 10:30 a.m.

2. The parties have been engaged in settlement discussions to resolve this litigation, have reached a settlement in principle and have exchanged a draft settlement agreement, subject to the parties' entry into a mutually acceptable settlement agreement.

3. The parties wish to continue the Initial Case Management Conference and extend the deadlines for the parties to meet and confer regarding initial disclosures, early settlement, ADR process selection, and discovery plan; file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference; and file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement, all for approximately 60 days, in order to conserve the resources of the parties and the Court and to allow the parties time to finalize settlement.

4. There being good cause, the parties hereby stipulate and respectfully request that the Court issue an Order resetting the above deadlines as follows:

November 10, 2008

Last day to:

- meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; and
- file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

November 24, 2008

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

December 17, 2008

Initial Case Management Conference (CMC) in Courtroom
3, 5th Floor, SJ at 10:30 a.m.

Dated: September 5, 2008

HELLER EHRMAN LLP

By /S/ BETH M. GOLDMAN
Beth M. Goldman

Attorneys For Plaintiff SPOTLIGHT
SURGICAL, INC.

Dated: September 5, 2008

MORGAN, LEWIS & BOCKIUS LLP

By /S/ DIANE MASON
Diane Mason

Attorneys for Defendants DEPUY, INC. and
DEPUY SPINE, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

The Honorable Jeremy Fogel
United States District Judge